



# PROPOSED RULE MAKING

**CR-102 (June 2012)**

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

**Agency:** Department of Licensing

- ☒ **Preproposal Statement of Inquiry was filed as WSR 13-23-085 ; or**  
☐ **Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_ ; or**  
☐ **Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).**

- ☒ **Original Notice**  
☐ **Supplemental Notice to WSR \_\_\_\_\_**  
☐ **Continuance of WSR \_\_\_\_\_**

**Title of rule and other identifying information:** (Describe Subject)  
 Chapter 308-14 WAC Court Reporting Practice Act

**Hearing location(s):**

Department of Licensing  
 Business and Professions Division  
 Building 2, Conference Room 209  
 405 Black Lake Blvd SW  
 Olympia, WA 98502

Date: May 27, 2014 Time: 10:30 a.m.

**Submit written comments to:**

Name: Cameron Dalmas  
 Address: Department of Licensing  
Court Reporter Program  
PO Box 9026  
Olympia, WA 98507  
 e-mail plssunit@dol.wa.gov  
 fax (360) 664-6643 by (date) May 26, 2014

**Assistance for persons with disabilities:** Contact

Cameron Dalmas by May 26, 2014

TTY (360) 664-0116 or (360) 664-6643

**Date of intended adoption:** June 3, 2014  
 (Note: This is NOT the effective date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

The proposed amendments: clarify the preparation, administration and grading of the certified court reporter examination, clarify who is penalized when an individual fails to renew their certification by the expiration date, clarifies standards of professional practice and adds language that personal backup tapes or electronic audio files may be released.

**WAC 308-14-085 Examination.**

- (1) Amended to include administration and grading by a recognized entity approved by the department.
- (2) (a) Amended tape recording to audio recording.
- (2) (e) Amended to clarify examination results will be sent to the applicant by the department.
- (2) (h) Removed requirement that the department is supplied with the examination tape and individual examination papers with grading marks and comments for review.
- (3) Removed recognition of Washington state examinations held April 1990, October 1990, and April 1991 as qualifying for state certification. Also removed statement that previous passing scores for the Washington examination within three years may be used for certification.

**WAC 308-14-090 Application.** Removed the requirement that applications for examination must be received eight weeks prior to the examination.

**WAC 308-14-100 License renewal—Continuing education—Penalties.**

- (7) Removed the words “shorthand reporter, court reporter, certified shorthand reporter.”

**WAC 308-14-130 Standards of professional practice.**

- (1) Amended language to clarify offering arrangements on a case concerning court reporting services.
- (6) Amended language requiring court reporters shall not go “off the record” during a deposition or court proceeding unless agreed to by all parties or their attorneys or as ordered by the court.
- (7) Amended language that no deposition shall be taken before a CCR who is a relative or employee or attorney or counsel of any of the parties, a relative or employee of such attorney or counsel or is financially interested in the outcome of the case without the agreement of all parties.
- (9) Amended language to allow CCRs personal backup tapes or electronic audio files if retained to be released to parties of the case at the discretion of the CCR after “off the record discussions” if any have been removed.
- (10) Added language to notify all involved parties when transcripts or personal backup tapes or electronic audio files are ordered or provided.

**Reasons supporting proposal:**

Stakeholders and the department conducted open workshops to review WAC 308-14 for necessary amendments.

**Statutory authority for adoption:** RCW 18.145.050, RCW 43.24.023

**Statute being implemented:** RCW 18.145

**Is rule necessary because of a:**

- Federal Law? ☐ Yes ☒ No  
 Federal Court Decision? ☐ Yes ☒ No  
 State Court Decision? ☐ Yes ☒ No  
 If yes, CITATION: \_\_\_\_\_

**DATE**  
 April 17, 2014

**NAME** (type or print)  
 Damon Monroe

**SIGNATURE**

**TITLE**  
 Rules Coordinator

**CODE REVISER USE ONLY**

**OFFICE OF THE CODE REVISER**  
**STATE OF WASHINGTON**  
**FILED**

**DATE: April 17, 2014**

**TIME: 1:30 PM**

**WSR 14-09-068**

(COMPLETE REVERSE SIDE)

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

None

**Name of proponent:** (person or organization) Department of Licensing

☐ Private  
☐ Public  
☒ Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting.....	Susan Colard, Administrator	405 Black Lake Blvd SW, Olympia, WA 98502	(360) 664-6647
Implementation....	Susan Colard, Administrator	405 Black Lake Blvd SW, Olympia, WA 98502	(360) 664-6647
Enforcement.....	Susan Colard, Administrator	405 Black Lake Blvd SW, Olympia, WA 98502	(360) 664-6647

**Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?**

☐ Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone (     ) \_\_\_\_\_

fax (     ) \_\_\_\_\_

e-mail \_\_\_\_\_

☒ No. Explain why no statement was prepared.

The proposed rules are exempt under RCW 34.05.310 (4)(g)(ii)

**Is a cost-benefit analysis required under RCW 34.05.328?**

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone (     ) \_\_\_\_\_

fax (     ) \_\_\_\_\_

e-mail \_\_\_\_\_

☒ No: Please explain: RCW 34.05.328 does not apply to this proposed rule under the provisions of RCW 34.05.328(5)(a)(i).